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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,767	11/27/2001	Ming-Sum Fang	12283	7588

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EXAMINER	
CANGIALOSI, SALVATORE A	
ART UNIT	**PAPER NUMBER**
3621	

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/993,767	FANG ET AL.	
	Examiner	Art Unit	
	Salvatore Cangialosi	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 January 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-53* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-53* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. The following is a quotation of the first paragraph of 35 U.S.C. 112: The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-53 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification as originally filed contains no support for "being performed (claims 1, 23, 30, and 38)". Detection of an activity is completed and then an action is initiated. Detection is of an activity performed not being performed. There are new claims without support in the specification. This is the first instance of this invention that is unrelated and unsupported by the original filing. Cancellation of the new matter is required.

2. The following is a quotation of 35 U.S.C. ɜ 103 which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
>
> Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

3. Claims 1-53 are rejected under 35 U.S.C. ɜ 103 as being unpatentable over Desai et al(6877093) in view of either Kawagishi (6707892) or Ohki et al(6644553) and Zurko et al (6507909).

Regarding claim 1, Desai et al (See Figs. 3-6, 8-9, Col. 3, lines 45-65, Col. 4, lines 1-50, Col. 6. lines 30-40 and claims 1,8, 10) disclose a method for remotely configuring a transaction terminal by downloading data employing TCP/IP protocol substantially as claimed. The differences between the above and the claimed invention is the use of explicit card terminal and application program download and terminal monitor. It is noted that the transaction terminal is a card terminal and the configuration download through a network is functionally

equivalent to the claim limitations. Each of Kawagishi (Figs. 7, 10, Col. 2, lines 5-30, and claim 5) or Ohki et al (See Fig. 17 and claim 5) shows the downloading of application programs by card terminals. Zurko et al (Col. 1, lines 15-20, Col. 7, lines 57-60, Col. 8, lines 63-65) show that for purposes of security in financial terminals monitoring of terminal activity is a normal process. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Desai et al because configuration downloads are conventional functional equivalents of the claim limitations and security is a necessity in card terminal processes. Regarding the protocol limitations of claim 2, Desai et al (See Figs. 3-6, 8-9, Col. 3, lines 45-65, Col. 4, lines 1-50, Col. 6. lines 30-40 and claims 1,8, 10) disclose remotely configuring a transaction terminal by downloading data employing TCP/IP protocol that are conventional functional equivalents of the claim limitations. Regarding web limitations of claim 3, Desai et al (See Figs. 3-6, 8-9, Col. 3, lines 45-65, Col. 4, lines 1-50, Col. 6. lines 30-40 and claims 1,8, 10) disclose remotely configuring a transaction terminal by downloading data employing web servers(element 616) that is conventional functional equivalent of the claim limitations. Regarding data limitations of claim 4, Desai et al (See Figs. 3-6, 8-9, Col. 3, lines 45-65, Col. 4, lines 1-50, Col. 6. lines 30-40 and claims 1,8, 10) disclose remotely configuring a transaction terminal by downloading a data stream employing

TCP/IP protocol that is conventional functional equivalent of the claim limitations. Regarding the command limitations of claim 5, Desai et al (See Figs. 3-6, 8-9, Col. 3, lines 45-65, Col. 4, lines 1-50, Col. 6. lines 30-40 and claims 1,8, 10) disclose remotely configuring a transaction terminal by downloading data employing TCP/IP protocol and batch processing (See Col. 8, lines 45-55) that are conventional functional equivalents of the claim limitations. Regarding dial-up limitations of claim 6, Kawagishi (Figs. 7, 10, Col. 2, lines 5-30, and claim 5) show the downloading of application programs by card terminals via telephone or Internet that is conventional functional equivalent of the claim limitations. Regarding downloading limitations of claim 7, Desai et al (See Figs. 3-6, 8-9, Col. 3, lines 45-65, Col. 4, lines 1-50, Col. 6. lines 30-40 and claims 1,8, 10) disclose remotely configuring a transaction terminal by downloading data employing TCP/IP protocol that is conventional functional equivalent of the claim limitations. Regarding claim 8, Desai et al (See Figs. 3-6, 8-9, Col. 3, lines 45-65, Col. 4, lines 1-50, Col. 6. lines 30-40 and claims 1,8, 10) disclose a method for remotely configuring a transaction terminal by downloading data employing TCP/IP protocol substantially as claimed. The differences between the above and the claimed invention is the use of explicit card terminal and application program download and terminal monitoring. It is noted that the transaction terminal is a card terminal and the configuration

download through a network is functionally equivalent to the claim limitations. Each of Kawagishi (Figs. 7, 10, Col. 2, lines 5-30, and claim 5) or Ohki et al (See Fig. 17 and claim 5) shows the downloading of application programs by card terminals. Zurko et al (Col. 1, lines 15-20, Col. 7, lines 57-60, Col. 8, lines 63-65) show that for purposes of security in financial terminals monitoring of terminal activity is a normal process. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Desai et al because configuration downloads are conventional functional equivalents of the claim limitations and security is a necessity in card terminal processes. Regarding the protocol limitations of claim 9, Desai et al (See Figs. 3-6, 8-9, Col. 3, lines 45-65, Col. 4, lines 1-50, Col. 6. lines 30-40 and claims 1,8, 10) disclose remotely configuring a transaction terminal by downloading data employing TCP/IP protocol that are conventional functional equivalents of the claim limitations. Regarding web limitations of claim 10, Desai et al (See Figs. 3-6, 8-9, Col. 3, lines 45-65, Col. 4, lines 1-50, Col. 6. lines 30-40 and claims 1,8, 10) disclose remotely configuring a transaction terminal by downloading data employing web servers (element 616) that is conventional functional equivalent of the claim limitations. Regarding data limitations of claim 11, Desai et al (See Figs. 3-6, 8-9, Col. 3, lines 45-65, Col. 4, lines 1-50, Col. 6. lines 30-40 and claims 1,8, 10) disclose remotely configuring a

transaction terminal by downloading a data stream employing TCP/IP protocol that is conventional functional equivalent of the claim limitations. Regarding dial-up limitations of claim 12, Kawagishi (Figs. 7, 10, Col. 2, lines 5-30, and claim 5) show the downloading of application programs by card terminals via telephone or Internet that is conventional functional equivalent of the claim limitations. Regarding data limitations of claim 13, Desai et al (See Figs. 3-6, 8-9, Col. 3, lines 45-65, Col. 4, lines 1-50, Col. 6. lines 30-40 and claims 1,8, 10) disclose remotely configuring a transaction terminal by downloading a data stream employing TCP/IP protocol including display(Fig. 4) that is conventional functional equivalent of the claim limitations. Regarding network limitations of claim 14, Desai et al (See Figs. 3-6, 8-9, Col. 3, lines 45-65, Col. 4, lines 1-50, Col. 6. lines 30-40 and claims 1,8, 10) disclose remotely configuring a transaction terminal by downloading a data stream employing TCP/IP protocol that is conventional functional equivalent of the claim limitations. Regarding downloading limitations of claim 15, Desai et al (See Figs. 3-6, 8-9, Col. 3, lines 45-65, Col. 4, lines 1-50, Col. 6. lines 30-40 and claims 1,8, 10) disclose remotely configuring a transaction terminal by downloading a data stream employing TCP/IP protocol that is conventional functional equivalent of the claim limitations. Regarding claim 16, Desai et al (See Figs. 3-6, 8-9, Col. 3, lines 45-65, Col. 4, lines 1-50, Col. 6. lines 30-40 and claims 1,8, 10) disclose a method for

remotely configuring a transaction terminal by downloading data employing TCP/IP protocol and providing transaction data of a terminal substantially as claimed. The differences between the above and the claimed invention is the use of explicit card terminal and activity monitoring of the terminal. It is noted that the transaction terminal is a card terminal and the activity data through a network is functionally equivalent to the claim limitations. Each of Kawagishi (Figs. 7, 10, Col. 2, lines 5-30, and claim 5) or Ohki et al (See Fig. 17 and claim 5) shows the transaction activity reports by card terminals. Zurko et al (Col. 1, lines 15-20, Col. 7, lines 57-60, Col. 8, lines 63-65) show that for purposes of security in financial terminals monitoring of terminal activity is a normal process. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Desai et al because transaction activity are conventional functional equivalents of the claim limitations and security is a necessity in card terminal processes. Regarding time limitations of claim 17, Desai et al (See Figs. 3-6, 8-9, Col. 3, lines 45-65, Col. 4, lines 1-50, Col. 6. lines 30-40 and claims 1,8, 10) disclose a method for remotely configuring a transaction terminal by downloading data employing TCP/IP protocol and providing transaction data of a terminal that is the conventional functional equivalent of the claim limitations because financial transaction activity is preferably instantaneous in electronic commerce. Regarding dial-

up limitations of claim 18, Kawagishi (Figs. 7, 10, Col. 2, lines 5-30, and claim 5) show the downloading of application programs by card terminals via telephone or Internet that is conventional functional equivalent of the claim limitations. Regarding the protocol limitations of claim 19, Desai et al (See Figs. 3-6, 8-9, Col. 3, lines 45-65, Col. 4, lines 1-50, Col. 6. lines 30-40 and claims 1,8, 10) disclose remotely configuring a transaction terminal by downloading data employing TCP/IP protocol that are conventional functional equivalents of the claim limitations. Regarding web limitations of claim 20, Desai et al (See Figs. 3-6, 8-9, Col. 3, lines 45-65, Col. 4, lines 1-50, Col. 6. lines 30-40 and claims 1,8, 10) disclose remotely configuring a transaction terminal by downloading data employing web servers (element 616) that is conventional functional equivalent of the claim limitations. Regarding display limitations of claim 21, Desai et al (See Figs. 3-6, 8-9, Col. 3, lines 45-65, Col. 4, lines 1-50, Col. 6. lines 30-40 and claims 1,8, 10) disclose a method for remotely configuring a transaction terminal by downloading data employing TCP/IP protocol and providing transaction data of a terminal via a display(element 51) that is the conventional functional equivalent of the claim limitations. Regarding transaction limitations of claim 22, Desai et al (See Figs. 3-6, 8-9, Col. 3, lines 45-65, Col. 4, lines 1-50, Col. 6. lines 30-40 and claims 1,8, 10) disclose a method for remotely configuring a transaction terminal by downloading data employing

TCP/IP protocol and providing transaction data of a terminal activity with timestamps that is the conventional functional equivalent of the claim limitations. Regarding claim 23, Desai et al (See Figs. 3-6, 8-9, Col. 3, lines 45-65, Col. 4, lines 1-50, Col. 6. lines 30-40 and claims 1,8, 10) disclose a means for remotely configuring a transaction terminal by downloading data employing TCP/IP protocol substantially as claimed. The differences between the above and the claimed invention is the use of explicit card terminal and application program download and terminal monitoring. It is noted that the transaction terminal is a card terminal and the configuration download through a network is functionally equivalent to the claim limitations. Each of Kawagishi (Figs. 7, 10, Col. 2, lines 5-30, and claim 5) or Ohki et al (See Fig. 17 and claim 5) shows the downloading of application programs by card terminals. Zurko et al (Col. 1, lines 15-20, Col. 7, lines 57-60, Col. 8, lines 63-65) show that for purposes of security in financial terminals monitoring of terminal activity is a normal process. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Desai et al because configuration downloads are conventional functional equivalents of the claim limitations and security is a necessity in card terminal processes. Regarding the protocol limitations of claim 24, Desai et al (See Figs. 3-6, 8-9, Col. 3, lines 45-65, Col. 4, lines 1-50, Col. 6. lines 30-40 and claims 1,8, 10) disclose

remotely configuring a transaction terminal by downloading data employing TCP/IP protocol that are conventional functional equivalents of the claim limitations. Regarding web limitations of claim 25, Desai et al (See Figs. 3-6, 8-9, Col. 3, lines 45-65, Col. 4, lines 1-50, Col. 6. lines 30-40 and claims 1,8, 10) disclose remotely configuring a transaction terminal by downloading data employing web servers(element 616) that is conventional functional equivalent of the claim limitations. Regarding data limitations of claim 26, Desai et al (See Figs. 3-6, 8-9, Col. 3, lines 45-65, Col. 4, lines 1-50, Col. 6. lines 30-40 and claims 1,8, 10) disclose remotely configuring a transaction terminal by downloading a data stream employing TCP/IP protocol that is conventional functional equivalent of the claim limitations. Regarding the command limitations of claim 27, Desai et al (See Figs. 3-6, 8-9, Col. 3, lines 45-65, Col. 4, lines 1-50, Col. 6. lines 30-40 and claims 1,8, 10) disclose remotely configuring a transaction terminal by downloading data employing TCP/IP protocol and batch processing (See Col. 8, lines 45-55) that are conventional functional equivalents of the claim limitations. Regarding dial-up limitations of claim 28, Kawagishi (Figs. 7, 10, Col. 2, lines 5-30, and claim 5) show the downloading of application programs by card terminals via telephone or Internet that is conventional functional equivalent of the claim limitations. Regarding downloading limitations of claim 29, Desai et al (See Figs. 3-6, 8-9, Col. 3, lines 45-65,

Col. 4, lines 1-50, Col. 6. lines 30-40 and claims 1,8, 10) disclose remotely configuring a transaction terminal by downloading data employing TCP/IP protocol that is conventional functional equivalent of the claim limitations. Regarding claim 30, Desai et al (See Figs. 3-6, 8-9, Col. 3, lines 45-65, Col. 4, lines 1-50, Col. 6. lines 30-40 and claims 1,8, 10) disclose a means for remotely configuring a transaction terminal by downloading data employing TCP/IP protocol substantially as claimed. The differences between the above and the claimed invention is the use of explicit card terminal and application program download and terminal monitoring. It is noted that the transaction terminal is a card terminal and the configuration download through a network is functionally equivalent to the claim limitations. Each of Kawagishi (Figs. 7, 10, Col. 2, lines 5-30, and claim 5) or Ohki et al (See Fig. 17 and claim 5) shows the downloading of application programs by card terminals. Zurko et al (Col. 1, lines 15-20, Col. 7, lines 57-60, Col. 8, lines 63-65) show that for purposes of security in financial terminals monitoring of terminal activity is a normal process. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Desai et al because configuration downloads are conventional functional equivalents of the claim limitations and security is a necessity in card terminal processes. Regarding the protocol limitations of claim 31, Desai et al (See Figs. 3-6, 8-9, Col. 3, lines 45-65, Col. 4,

lines 1-50, Col. 6. lines 30-40 and claims 1,8, 10) disclose remotely configuring a transaction terminal by downloading data employing TCP/IP protocol that are conventional functional equivalents of the claim limitations. Regarding web limitations of claim 32, Desai et al (See Figs. 3-6, 8-9, Col. 3, lines 45-65, Col. 4, lines 1-50, Col. 6. lines 30-40 and claims 1,8, 10) disclose remotely configuring a transaction terminal by downloading data employing web servers (element 616) that is conventional functional equivalent of the claim limitations. Regarding data limitations of claim 33, Desai et al (See Figs. 3-6, 8-9, Col. 3, lines 45-65, Col. 4, lines 1-50, Col. 6. lines 30-40 and claims 1,8, 10) disclose remotely configuring a transaction terminal by downloading a data stream employing TCP/IP protocol that is conventional functional equivalent of the claim limitations. Regarding dial-up limitations of claim 34, Kawagishi (Figs. 7, 10, Col. 2, lines 5-30, and claim 5) show the downloading of application programs by card terminals via telephone or Internet that is conventional functional equivalent of the claim limitations. Regarding data limitations of claim 35, Desai et al (See Figs. 3-6, 8-9, Col. 3, lines 45-65, Col. 4, lines 1-50, Col. 6. lines 30-40 and claims 1,8, 10) disclose remotely configuring a transaction terminal by downloading a data stream employing TCP/IP protocol including display(Fig. 4) that is conventional functional equivalent of the claim limitations. Regarding network limitations of claim 36, Desai et al (See Figs.

3-6, 8-9, Col. 3, lines 45-65, Col. 4, lines 1-50, Col. 6. lines 30-40 and claims 1,8, 10) disclose remotely configuring a transaction terminal by downloading a data stream employing TCP/IP protocol that is conventional functional equivalent of the claim limitations. Regarding downloading limitations of claim 37, Desai et al (See Figs. 3-6, 8-9, Col. 3, lines 45-65, Col. 4, lines 1-50, Col. 6. lines 30-40 and claims 1,8, 10) disclose remotely configuring a transaction terminal by downloading a data stream employing TCP/IP protocol that is conventional functional equivalent of the claim limitations. Regarding claim 38, Desai et al (See Figs. 3-6, 8-9, Col. 3, lines 45-65, Col. 4, lines 1-50, Col. 6. lines 30-40 and claims 1,8, 10) disclose a means for remotely configuring a transaction terminal by downloading data employing TCP/IP protocol and providing transaction data of a terminal substantially as claimed. The differences between the above and the claimed invention are the use of explicit card terminal and monitoring activity of the terminal. It is noted that the transaction terminal is a card terminal and the activity data through a network is functionally equivalent to the claim limitations. Each of Kawagishi (Figs. 7, 10, Col. 2, lines 5-30, and claim 5) or Ohki et al (See Fig. 17 and claim 5) shows the transaction activity reports by card terminals. Zurko et al (Col. 1, lines 15-20, Col. 7, lines 57-60, Col. 8, lines 63-65) show that for purposes of security in financial terminals monitoring of terminal activity is a normal process. It would have been

obvious to the person having ordinary skill in this art to provide a similar arrangement for Desai et al because transaction activity are conventional functional equivalents of the claim limitations and security is a necessity in card terminal processes. Regarding time limitations of claim 39, Desai et al (See Figs. 3-6, 8-9, Col. 3, lines 45-65, Col. 4, lines 1-50, Col. 6. lines 30-40 and claims 1,8, 10) disclose a method for remotely configuring a transaction terminal by downloading data employing TCP/IP protocol and providing transaction data of a terminal that is the conventional functional equivalent of the claim limitations because financial transaction activity is preferably instantaneous in electronic commerce. Regarding dial-up limitations of claim 40, Kawagishi (Figs. 7, 10, Col. 2, lines 5-30, and claim 5) show the downloading of application programs by card terminals via telephone or Internet that is conventional functional equivalent of the claim limitations. Regarding the protocol limitations of claim 41, Desai et al (See Figs. 3-6, 8-9, Col. 3, lines 45-65, Col. 4, lines 1-50, Col. 6. lines 30-40 and claims 1,8, 10) disclose remotely configuring a transaction terminal by downloading data employing TCP/IP protocol that are conventional functional equivalents of the claim limitations. Regarding web limitations of claim 42, Desai et al (See Figs. 3-6, 8-9, Col. 3, lines 45-65, Col. 4, lines 1-50, Col. 6. lines 30-40 and claims 1,8, 10) disclose remotely configuring a transaction terminal by downloading data employing web servers

(element 616) that is conventional functional equivalent of the claim limitations. Regarding display limitations of claim 43, Desai et al (See Figs. 3-6, 8-9, Col. 3, lines 45-65, Col. 4, lines 1-50, Col. 6. lines 30-40 and claims 1,8, 10) disclose a method for remotely configuring a transaction terminal by downloading data employing TCP/IP protocol and providing transaction data of a terminal via a display (element 51) that is the conventional functional equivalent of the claim limitations. Regarding transaction limitations of claims 44-53, Desai et al (See Figs. 3-6, 8-9, Col. 3, lines 45-65, Col. 4, lines 1-50, Col. 6. lines 30-40 and claims 1,8, 10) disclose a method for remotely configuring a transaction terminal by downloading data employing TCP/IP protocol and providing transaction data of a terminal activity with timestamps that is the conventional functional equivalent of the claim limitations.

Examiner's Note: Although Examiner has cited particular columns, line numbers and figures in the references as applied to the claims above for the convenience of the applicant(s), the specified citations are merely representative of the teaching of the prior art that are applied to specific limitations within the individual claim and other passages and figures may apply as well. It is respectfully requested that the applicant(s), in preparing the response, fully consider the items of evidence in

their entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Applicants arguments filed 1/17/06 have been considered but are not persuasive of error. Monitoring does occur at card terminals and actions are taken on the basis of monitoring including downloading of software such as updates. It is noted that it is not necessary that the references suggest, expressly or in so many words, the changes or possible improvements that the applicant has made In re Sheckler 168 USPQ 716. Also the references are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. In re Bozek 163 USPQ 545 and In Re McLaughlin, 170 USPQ 209.

Any inquiry concerning this communication should be directed to Salvatore Cangialosi at telephone number (703) 305-1837. The examiner can normally be reached 6:30 Am to 5:00 PM, Tuesday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached at (703) 305-9768.

Any response to this action should be mailed to:

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 3600 Customer Service Office whose telephone number is **(703) 306-5771**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Edward Cosgrove
PRIMARY EXAMINER
ART UNIT 3621